

REMARKS

Claims 11 and 19 have been amended. Claims 11-24 are currently pending in the application.

Amendments to claims 11 and 19 further clarify that e-tag reporters have a charge and that a capture agent when bound to undigested electrophoretic probes forms a complex with a charge opposite to that of the e-tag reporters. Basis for the concept that e-tag reporters have charge can be found on page 15, lines 21-23 (where the term "mir" refers to the "mass identifying region" of a mobility modifier of an e-tag reporter, as explained on page 9, line 43, to page 10, line 5). Basis for the concept that released e-tag reporters have a charge opposite that of the capture agent-electrophoretic probe complex is on page 24, lines 9-13, and page 24, line 43, to page 25, line 3.

Claims 11 and 19 were further amended to change "non-oligomeric compound" back to the original claim language of "mobility modifier." Basis for this term is page 8, line 42, to page 9, line 5.

No new matter has been added by the amendments. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. 103

In paragraph 3 of the Office Action, the Examiner rejected claims 11-18 and 19-23 under 35 U.S.C. 103(a) as being unpatentable over Grossman (5,470,705) in view of Babon (5,851,770). The Examiner essentially reiterated her argument presented in the prior Office Action.

Applicants respectfully disagree, particularly in view of the amendments. Applicants submit that Babon is no longer applicable, as the use of the capture agent in Applicants' invention to create a charge differential between undigested probe and released e-tag reporters is clearly different from the wash step disclosed by Babon. Applicants submit that neither Grossman nor Babon, either alone or together, disclose or suggest Applicants' invention as presently claimed, and therefore, respectfully request that the above rejection be withdrawn.

In paragraph 4 of the Office Action, the Examiner rejected claim 24 under 35 U.S.C. 103(a) as being unpatentable over Grossman (cited above) in view of Babon (cited above) and further in view of Ullman (U.S. patent 6,251,581B1). The Examiner applied Grossman and Babon as above and further argued that the specific structures recited in claim 29 are disclosed by the chemiluminescent compounds of Ullman.

Applicants respectfully disagree, particularly in view of the amendments. First, as stated above, Applicants submit that the disclosure of Babon is no longer applicable. Second, although Ullman discloses compounds similar to those recited in claim 24, the *compositions of Applicants' invention comprise pluralities of such compounds that form distinct peaks in an electropherogram upon electrophoretic separation*. Such compositions are neither disclosed nor suggested by Ullman. In fact, Ullman teaches away from such compositions because his objective is to provide a homogeneous assay based solely on optical (chemiluminescent) detection without any separation of the optically detected molecules. Accordingly, Applicants respectfully request that the rejection be withdrawn.

In view of the above, Applicants submit that the claims as written fully satisfy the requirements of Title 35 of the U.S. Code, and respectfully request that the rejections thereunder be withdrawn and that the claims be allowed and the application quickly passed to issue.

If any additional time extensions are required, such time extensions are hereby requested. If any additional fees not submitted with this response are required, please take such fees from deposit account 50-2266.

Respectfully submitted,



Stephen C. Macevicz

Reg. No. 30,285

Attorney for Applicants

Telephone: (650) 210-1223

Email: smacevicz@aclara.com

Enclosures:
Transmittal
RCE Transmittal
Fee Transmittal

**RECEIVED
CENTRAL FAX CENTER**

SEP 15 2003

OFFICIAL